

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

04 APR -8 PM 10:29
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

ANDRE MAURICE DANSBY,

Plaintiff,

v.

CV 03-C-669-S

DOCTOR DELONG, NURSE JET,
NURSE AUTHOR and NAPHCARE, INC,

Defendants.

ENTERED

APR 12 2004

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 11, 2004, recommending that plaintiff's Americans with Disabilities Act (ADA) claim against defendant Delong be DISMISSED for FAILING TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2). The magistrate judge further recommended that plaintiff's inadequate medical care claims against all defendants be REFERRED to the magistrate judge for further proceedings. Plaintiff filed objections to the report and recommendation on March 30, 2004.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. Therefore, plaintiff's Americans with Disabilities Act (ADA) claim against defendant Delong is due to be DISMISSED for FAILING TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED pursuant to 28 U.S.C. § 1915A(b), and plaintiff's

inadequate medical care claims against all defendants are due to be REFERRED to the magistrate judge for further proceedings. An appropriate order will be entered.

DATED this 7th day of April, 2004.

A handwritten signature in black ink, appearing to read "U. W. Clemon", written in a cursive style.

Chief United States District Judge
U. W. Clemon